

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMEE WELLMAN,

Case No. 3:22-cv-360

Plaintiff,

vs.

GREENE COUNTY PUBLIC
HEALTH,

District Judge Michael J. Newman
Magistrate Judge Caroline H. Gentry

Defendant.

ORDER: (1) DEEMING THIS CASE SUFFICIENTLY DISTINCT FROM *Harsman v. Cincinnati Children's Hosp. Med. Ctr.*, No. 1:21-cv-597, 2022 WL 4357476, at *6–7 (S.D. Ohio Sept. 20, 2022); AND (2) FINDING THAT PLAINTIFF HAS SATISFIED THE SHOW CAUSE REQUIREMENT

This civil case is before the Court following the parties' responses to its Show Cause Order. Doc. Nos. 6, 7. In that Order, this Court ordered the parties to show how the case did not run afoul of *Harsman v. Cincinnati Children's Hospital Medical Center*, which deemed Plaintiff's counsel's law firm a vexatious litigant. No. 1:21-cv-597, 2022 WL 4357476, at *6–7 (S.D. Ohio Sept. 20, 2022) (Black, J.). Specifically, the Court in *Harsman* prohibited any member of the plaintiff's law firm from filing "any action that . . . arises from the same operative facts" without certification from attorneys outside the law firm who are in good standing and licensed to practice in the Southern District of Ohio. *Id.* The certification must attest that "the filing . . . of the suit is not the product of forum or judge-shopping and is not brought for any dilatory or otherwise improper purposes." *Id.*

In the present case, after considering the parties' responses to the Show Cause Order, the Court finds that this case does not "arise[] from the same operative facts" as those at issue in

Harsman. *See id.* at *1–2 (noting that *Harsman* dealt with plaintiffs suing various Cincinnati-based hospitals to overturn their COVID-19 vaccine policies). Rather, this case involves employment discrimination claims. *See* Doc. No. 1. While, admittedly, this case also involves Defendant’s vaccination policies, unlike *Harsman*, it does not seek to overturn those policies. Instead, it requires this Court to determine whether not granting Plaintiff an exemption from that policy violated federal and state law. *See id.* To that end, the Court: (1) **DEEMS** this case sufficiently distinct from *Harsman*; and (2) **FINDS** that Plaintiff has satisfied the Show Cause requirement. A scheduling order shall issue by separate entry.

IT IS SO ORDERED.

February 16, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge